



General Assembly

January Session, 2013

Raised Bill No. 1020

LCO No. 3523



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

***AN ACT CONCERNING THE INTERSTATE WILDLIFE VIOLATOR
COMPACT.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. (NEW) (*Effective from passage*)

2 INTERSTATE WILDLIFE VIOLATOR COMPACT

3 ADOPTION OF COMPACT

4 The Wildlife Violator Compact is hereby enacted into law and
5 entered into by the state of Connecticut with any and all states legally
6 joining therein in accordance with its terms. The compact is
7 substantially as follows:

8 ARTICLE I

9 Findings, Declaration of Policy and Purpose

10 (a) The party states find that:

11 (1) Wildlife resources are managed in trust by the respective states
12 for the benefit of all residents and visitors.

13 (2) The protection of their respective wildlife resources may be
14 materially affected by the degree of compliance with state statute or
15 rule relating to the management of those resources.

16 (3) The preservation, protection, management, and restoration of
17 wildlife contributes immeasurably to the aesthetic, recreational, and
18 economic aspects of these natural resources.

19 (4) Wildlife resources are valuable without regard to political
20 boundaries; therefore, all persons should be required to comply with
21 wildlife preservation, protection, management, and restoration
22 statutes, rules, and other law of all party states as a condition
23 precedent to the continuance or issuance of any license to hunt, fish,
24 trap, or possess wildlife.

25 (5) Violation of wildlife laws interferes with the management of
26 wildlife resources and may endanger the safety of persons and
27 property.

28 (6) The mobility of many wildlife law violators necessitates the
29 maintenance of channels of communications among the various states.

30 (7) A person who is cited for a wildlife violation in a state other than
31 the person's home state:

32 (A) May be required to post collateral or bond to secure appearance
33 for a trial at a later date;

34 (B) If unable to post collateral or bond, may be taken into custody
35 until the collateral or bond is posted; or

36 (C) May be taken directly to court for an immediate appearance.

37 (8) The purpose of the enforcement practices described in
38 subdivision (7) of this subsection is to ensure compliance with the
39 terms of a wildlife citation by the person who, if permitted to continue
40 on the person's way after receiving the citation, could return to the

41 person's home state and disregard the person's duty under the terms of
42 the citation.

43 (9) A person receiving a wildlife citation in the person's home state
44 is permitted to accept the citation from the officer at the scene of the
45 violation and to continue immediately on the person's way after
46 agreeing or being instructed to comply with the terms of the citation.

47 (10) The practice described in subdivision (7) of this subsection
48 causes unnecessary inconvenience and, at times, a hardship for the
49 person who is unable at the time to post collateral, furnish a bond,
50 stand trial, or pay the fine, and thus is compelled to remain in custody
51 until some alternative arrangement can be made.

52 (11) The enforcement practices described in subdivision (7) of this
53 subsection consume an undue amount of law enforcement time.

54 (b) It is the policy of the party states to:

55 (1) Promote compliance with the statutes, rules, and other
56 applicable law relating to management of wildlife resources in their
57 respective states.

58 (2) Recognize the suspension of wildlife license privileges or rights
59 of any person whose license privileges or rights have been suspended
60 by a party state and treat this suspension as if it had occurred in the
61 person's state.

62 (3) Allow violators to accept a wildlife citation, except as provided
63 in subsection (b) of Article III of this compact, and be released without
64 delay whether or not the person is a resident in the state in which the
65 citation was issued, provided that the violator's home state is party to
66 this compact.

67 (4) Report to the appropriate party state any conviction that would
68 subject a person to suspension and that is recorded against any person
69 whose home state was not the issuing state.

70 (5) Allow the home state to recognize and treat a conviction that
71 would subject a person to suspension and that is recorded for their
72 residents and which occurred in another party state as if the conviction
73 had occurred in the home state.

74 (6) Extend cooperation to its fullest extent among the party states for
75 obtaining compliance with the terms of a wildlife citation issued in one
76 party state to a resident of another party state.

77 (7) Maximize effective use of law enforcement personnel and
78 information.

79 (8) Assist court systems in the efficient disposition of wildlife
80 violations.

81 (c) The purpose of this compact is to:

82 (1) Provide a means through which the party states may participate
83 in a reciprocal program to effectuate policies enumerated in subsection
84 (b) of this article in a uniform and orderly manner.

85 (2) Provide for the fair and impartial treatment of wildlife violators
86 operating within party states in recognition of the person's right of due
87 process and the sovereign status of a party state.

88 ARTICLE II

89 Definitions

90 The definitions in this article apply throughout this compact and are
91 intended only for the implementation of this compact:

92 (1) "Citation" means any summons, complaint, ticket, penalty
93 assessment, or other official document issued by a wildlife officer or
94 other peace officer for a wildlife violation containing an order which
95 requires the person to respond.

96 (2) "Collateral" means any cash or other security deposited to secure

97 an appearance for trial in connection with the issuance by a wildlife
98 officer or other peace officer of a citation for a wildlife violation.

99 (3) "Compliance" with respect to a citation means the act of
100 answering the citation through appearance at a court, a tribunal, or
101 payment of fines, costs, and surcharges, if any, or both such
102 appearance and payment.

103 (4) "Conviction" means a conviction, including any court conviction,
104 of any offense related to the preservation, protection, management, or
105 restoration of wildlife which is prohibited by state statute, rule, or
106 other relevant law, or a forfeiture of bail, bond, or other security
107 deposited to secure the appearance by a person charged with having
108 committed any such offense, or payment of a penalty assessment, or a
109 plea of nolo contendere, or the imposition of a deferred or suspended
110 sentence by the court.

111 (5) "Court" means a court of law.

112 (6) "Home state" means the state of primary residence of a person.

113 (7) "Issuing state" means the party state which issues a wildlife
114 citation to the violator.

115 (8) "License" means any license, permit, or other public document
116 that conveys to the person to whom it was issued the privilege of
117 pursuing, possessing, or taking any wildlife regulated by statute, rule,
118 or other relevant law of a party state.

119 (9) "Licensing authority" means the department within each party
120 state authorized by law to issue or approve licenses or permits to hunt,
121 fish, trap, or possess wildlife.

122 (10) "Party state" means any state which enacts legislation to become
123 a member of this wildlife compact.

124 (11) "Personal recognizance" means an agreement by a person made

125 at the time of issuance of the wildlife citation that the person will
126 comply with the terms of that citation.

127 (12) "State" means any state, territory, or possession of the United
128 States, the District of Columbia, and the Commonwealth of Puerto
129 Rico.

130 (13) "Suspension" means any revocation, denial, or withdrawal of
131 any or all license privileges or rights, including the privilege or right to
132 apply for, purchase, or exercise the benefits conferred by any license.

133 (14) "Terms of the citation" means those conditions and options
134 expressly stated upon the citation.

135 (15) "Wildlife" means all species of animals, including, but not
136 necessarily limited to, mammals, birds, fish, reptiles, amphibians,
137 mollusks, and crustaceans, which are defined as "wildlife" and are
138 protected or otherwise regulated by statute, rule, or other relevant law
139 in a party state. "Wildlife" also means food fish and shellfish as defined
140 by statute, rule, or other relevant law in a party state. Species included
141 in the definition of "wildlife" vary from state to state and
142 determination of whether a species is "wildlife" for the purposes of this
143 compact shall be based on state law.

144 (16) "Wildlife law" means any statute, law, regulation, ordinance, or
145 administrative rule developed and enacted to manage wildlife
146 resources and the use thereof.

147 (17) "Wildlife officer" means any individual authorized by a party
148 state to issue a citation for a wildlife violation.

149 (18) "Wildlife violation" means any cited violation of a statute, rule,
150 or other relevant law developed and enacted to manage wildlife
151 resources and the use thereof.

152 ARTICLE III

181 authority of the home state shall notify the violator, shall initiate a
182 suspension action in accordance with the home state's enforcement
183 procedures, and shall suspend the violator's license privileges or rights
184 until satisfactory evidence of compliance with the terms of the wildlife
185 citation has been furnished by the issuing state to the home state
186 licensing authority. Due process safeguards will be accorded.

187 (b) Upon receipt of a report of conviction of a wildlife violation
188 subject to suspension from the licensing authority of the issuing state,
189 the licensing authority of the home state shall enter such conviction in
190 its records according to current procedure and shall treat such
191 conviction as if it occurred in the home state for the purposes of the
192 suspension of license privileges and for the purposes of the term of the
193 suspension of privileges.

194 (c) The licensing authority of the home state shall maintain a record
195 of actions taken and make reports to issuing states as provided in rules
196 adopted by the department of fish and wildlife.

197 ARTICLE V

198 Reciprocal Recognition of Suspension

199 All party states shall recognize the suspension of license privileges
200 or rights of any person by any party state as if the violation on which
201 the suspension is based had in fact occurred in the person's state and
202 would have been the basis for suspension of license privileges or rights
203 in his or her state.

204 ARTICLE VI

205 Applicability of Other Laws

206 Except as expressly required by provisions of this compact, nothing
207 herein shall be construed to affect the right of any party state to apply
208 any of its laws relating to license privileges to any person or
209 circumstance, or to invalidate or prevent any agreement or other

210 cooperative arrangements between a party state and a nonparty state
211 concerning wildlife law enforcement.

212 ARTICLE VII

213 Compact Administrator Procedures

214 (a) For the purpose of administering the provisions of this compact
215 and to serve as a governing body for the resolution of all matters
216 relating to the operation of this compact, a board of compact
217 administrators is established. The board of compact administrators
218 shall be composed of one representative from each of the party states
219 to be known as the compact administrator. The compact administrator
220 shall be appointed by the head of the licensing authority of each party
221 state, except that in Connecticut the compact administrator shall be the
222 Commissioner of Energy and Environmental Protection, or the
223 commissioner's designee, and will serve and be subject to removal in
224 accordance with the laws of the state the administrator represents. A
225 compact administrator may provide for the discharge of the
226 administrator's duties and the performance of the administrator's
227 functions as a board of compact administrators' member by an
228 alternate. An alternate may not be entitled to serve unless written
229 notification of the alternate's identity has been given to the board of
230 compact administrators.

231 (b) Each member of the board of compact administrators shall be
232 entitled to one vote. No action of the board of compact administrators
233 shall be binding unless taken at a meeting at which a majority of the
234 total number of votes on the board of compact administrators are cast
235 in favor thereof. Action by the board of compact administrators shall
236 be only at a meeting at which a majority of the party states are
237 represented.

238 (c) The board of compact administrators shall elect annually, from
239 its membership, a chairperson and vice chairperson.

240 (d) The board of compact administrators shall adopt bylaws, not

241 inconsistent with the provisions of this compact or the laws of a party
242 state, for the conduct of its business and shall have the power to
243 amend and rescind its bylaws.

244 (e) The board of compact administrators may accept for any of its
245 purposes and functions under this compact all donations and grants of
246 money, equipment, supplies, materials, and services, conditional or
247 otherwise, from any state, the United States, or any governmental
248 agency, and may receive, utilize, and dispose of the same.

249 (f) The board of compact administrators may contract with or accept
250 services or personnel from any governmental or intergovernmental
251 agency, individual, firm, corporation, or any private nonprofit
252 organization or institution.

253 (g) The board of compact administrators shall formulate all
254 necessary procedures and develop uniform forms and documents for
255 administering the provisions of this compact. All procedures and
256 forms adopted pursuant to the board of compact administrators' action
257 shall be contained in the rules adopted by the Department of Energy
258 and Environmental Protection ("the Department").

259 ARTICLE VIII

260 Entry Into Compact and Withdrawal

261 (a) This compact shall become effective when it has been adopted by
262 at least two states.

263 (b) (1) Entry into the compact shall be made by an act or resolution
264 of ratification executed by the authorized officials of the applying state
265 and submitted to the chairperson of the board of compact
266 administrators.

267 (2) The act or resolution shall include statements that in substance
268 are as follows:

269 (A) A citation of the authority by which the state is empowered to
270 become a party to this compact;

271 (B) Agreement to comply with the terms and provisions of the
272 compact; and

273 (C) That compact entry is with all states then party to the compact
274 and with any state that legally becomes a party to the compact.

275 (3) The effective date of entry shall be specified by the applying
276 state, but shall not be less than sixty days after notice has been given
277 by the chairperson of the board of compact administrators or by the
278 secretariat of the board of compact administrators to each party state
279 that has received the resolution from the applying state.

280 (c) A party state may withdraw from this compact by official written
281 notice to the other party states, but a withdrawal shall not take effect
282 until ninety days after notice of withdrawal is given. The notice shall
283 be directed to the compact administrator of each member state. No
284 withdrawal shall affect the validity of this compact as to the remaining
285 party states.

286 ARTICLE IX

287 Amendments to the Compact

288 (a) This compact may be amended from time to time. Amendments
289 shall be presented in resolution form to the chairperson of the board of
290 compact administrators and may be initiated by one or more party
291 states.

292 (b) Adoption of an amendment shall require endorsement by all
293 party states and shall become effective thirty days after the date of the
294 last endorsement.

295 (c) Failure of a party state to respond to the compact chairperson
296 within one hundred twenty days after receipt of the proposed

297 amendment shall constitute endorsement.

298 ARTICLE X

299 Construction and Severability

300 This compact shall be liberally construed so as to effectuate the
301 purposes stated herein. The provisions of this compact shall be
302 severable, and if any phrase, clause, sentence, or provision of this
303 compact is declared to be contrary to the constitution of any party state
304 or of the United States, or the applicability thereof to any government,
305 agency, individual, or circumstance is held invalid, the compact shall
306 not be affected thereby. If this compact shall be held contrary to the
307 constitution of any party state thereto, the compact shall remain in full
308 force and effect as to the remaining states and in full force and effect as
309 to the state affected as to all severable matters.

310 ARTICLE XI

311 Compact Title

312 This compact shall be known as the Wildlife Violator Compact.

313 Compact Administrator

314 The compact administrator for Connecticut shall be the
315 commissioner of the Department or a designated representative of the
316 commissioner. The duties of the compact administrator shall be
317 deemed a regular part of the duties of the office of the commissioner of
318 the Department.

319 Rulemaking

320 The Department may adopt rules to carry out the purposes of this
321 chapter.

322 Penalties

323 (a) The commissioner of the Department may suspend a
324 Connecticut hunting, fishing, or trapping license of a person convicted
325 of a wildlife violation in a state party to the compact, provided that the
326 wildlife violation would have been the basis for suspension of license
327 privileges in Connecticut.

328 (b) No person whose license, privilege, or right to hunt, fish, trap,
329 possess, or transport wildlife, having been suspended or revoked
330 pursuant to this chapter, shall be issued a license to hunt, fish, or trap
331 in Connecticut.

332 (c) (1) Prior to suspending a Connecticut hunting, fishing, or
333 trapping license of a person under subsection (a) of this article, the
334 commissioner shall notify the person in writing. A suspension shall be
335 deemed effective:

336 (A) When given if notice is made in person; or

337 (B) Three days after the deposit of notice in the United States mails,
338 if notice is made in writing.

339 (2) A person receiving notice under subsection (a) of this article
340 may, within twenty days of the date notice is given, request a hearing
341 before the commissioner on whether the requirements for suspension
342 or penalty have been met. The requesting person may present evidence
343 and arguments at the hearing only regarding whether:

344 (A) A participating state suspended the person's privileges;

345 (B) There was a conviction in the participating state;

346 (C) The person failed to comply with the terms of a citation issued
347 for a wildlife violation in a participating state; or

348 (D) A conviction in a participating state could have led to a license
349 suspension or penalty in Connecticut.

350 (3) At the hearing, the commissioner or a hearing officer designated

351 by the commissioner may:

352 (A) Administer oaths;

353 (B) Issue subpoenas for the attendance of witnesses; and

354 (C) Admit all relevant evidence and documents, including
355 notifications from participating states.

356 (4) Following a hearing under this subsection, the commissioner or a
357 designated hearing officer may, based on the evidence, affirm, modify,
358 or rescind the suspension of a license or the assessment of a penalty.

359 (5) A suspension of a license under chapter 490 of the general
360 statutes is a civil suspension, and a decision of the commissioner or
361 hearing officer under this section shall not be appealable.

362 **Withdrawal From the Compact**

363 Withdrawal of Connecticut from the compact, as authorized under
364 Article VIII of the compact, shall be by an act or resolution of the
365 General Assembly.

366 Sec. 2. Section 26-26a of the general statutes is repealed. (*Effective*
367 *October 1, 2013*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>October 1, 2013</i>	Repealer section

ENV *Joint Favorable C/R*

JUD

JUD *Joint Favorable*

GAE *Joint Favorable*